



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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March 28, 2025

**VIA ECF**

Honorable Ronnie Abrams  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: *Elsun Wheeler, et al. v. City of New York, et. al.*  
24 CV 469 (RA)

Your Honor:

I am a Senior Counsel in the Office of the Muriel Goode-Trufant, Corporation Counsel of the City of New York, and attorney for defendant City of New York in the above-referenced matter. Defendant respectfully requests, with plaintiff's \_\_\_\_\_, a thirty day extension of time to complete discovery, from March 31, 2025, to April 30, 2025 a corresponding adjournment of the remaining discovery deadlines, as well as an adjournment of the post-discovery conference scheduled for April 4, 2025 to a date and time thereafter convenient for the Court. This is the City's third request for an extension of discovery.

By way of background, plaintiffs bring this action, pursuant to 42 U.S.C. 1983, against the City, Officers Tai, McNeil, Moore, Philogene, and Young, alleging, inter alia, that plaintiffs were subjected to excessive force as a result of an incident which occurred at Rikers Island on October 24, 2022. *See* Docket Entry No. 1. Plaintiff thereafter amended the complaint on January 22, 2025, following the identification of additional defendants. *See* Docket Entry No. 49. Plaintiff served the three new defendants, who have not yet filed answers, which are due in early April. Plaintiff additionally served a deficiency letter and second set of requests for admissions, to which the Defendants are drafting a response. Finally, the parties have continued settlement negotiations with respect to the remaining Plaintiff.

The reason for this request is that the parties need additional time to complete paper discovery and depositions. The parties have exchanged Initial Disclosures and Document Requests and Interrogatories, as well as responses, and have not yet scheduled depositions.

For the foregoing reasons, Defendant City respectfully request a thirty day extension of time to complete discovery and a corresponding adjournment of the remaining discovery deadlines and the post discovery conference.

Thank you for your consideration of the instant application.

Respectfully submitted,

/s/ John Schemitsch  
John Schemitsch

To: **VIA ECF**  
Sara J. Wolkensdorfer  
*Attorney for Plaintiffs*